

DAVID A. LERMAN (#153633)
LAW OFFICES OF DAVID A. LERMAN
2140 Shattuck Avenue, Suite 1201
Berkeley, CA 94704
(510) 665-8500

Attorneys for Plaintiff
MICHAEL BYRNS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL BYRNS,

Plaintiff,

v.

EARTHLINK, INC., and, DOES 1-10,
inclusive,

Defendants.

Case No. C-05-05405 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO REMAND CASE TO STATE
COURT**

Hon. Jeffrey S. White

PLAINTIFF MICHAEL BYRNS and DEFENDANT EARTHLINK, INC. hereby submit
the following STIPULATION TO REMAND TO STATE COURT as follows:

1. The parties to the action stipulate that PeoplePC, Inc. is a proper additional
Defendant in the case, and that PeoplePC, Inc.'s principal place of business in California.

2. Plaintiff may file an amended complaint that will expressly name PeoplePC, Inc. as
an additional defendant within 30 days of the Court's approval of the proposed order.

3. The action will then be remanded to state court due to lack of diversity jurisdiction.
Defendant PeoplePC, Inc. will have 20 days after remand in which to file an answer.

Dated: August 22, 2006

/s/
DAVID A. LERMAN
LAW OFFICES OF DAVID A. LERMAN
Attorney for Plaintiff

1 Dated: August 22, 2006

2
3 /s/
4 MICHAEL HOFFMAN
5 LITTLER MENDELSON
6 A Professional Corporation
7 Attorneys for Defendant
8 EARTHLINK, INC.

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11 **ORDER**

12 Pursuant to Stipulation, IT IS SO ORDERED.

13 Dated: August 23, 2006

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HONORABLE JEFFREY S. WHITE

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